



PATENT
A38

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Carl A. Waldspurger, et al.	GROUP ART UNIT:	2127
U.S.S.N.:	10/750,919	EXAMINER:	Not Yet Assigned
FILING DATE:	31 December 2003		
TITLE:	<i>Generating and Using Checkpoints in a Virtual Computer System</i>		

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 5 August 2004.

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING
PARTS OF A NONPROVISIONAL APPLICATION**

Sir:

This is in response to the Notice to File Missing Parts of Nonprovisional Application mailed 5 May 2004. A Declaration and Power of Attorney executed by inventors Carl A. Waldspurger, Michael Nelson, Daniel J. Scales and Pratap Subrahmanyam accompanies this Response, along with a Petition for Extension of Time Under 37 CFR 1.136(a) (1 month).


Applicant: Carl A. Waldspurger et al.
U.S.S.N. 10/750,919
Filing Date: 31 December 2003
Atty. Docket No.: A38

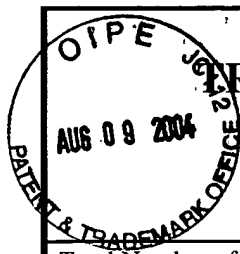
It is requested that all fees occasioned by this submission be charged to Deposit Account
No. 50-2652.

In the event the Examiner deems personal contact desirable in disposition of this case, the
Examiner is invited to call the undersigned attorney at (650) 384-4810.

Respectfully submitted,

Dated: 5 August 2004


Darryl A. Smith, Esq. (Reg. No. 37,723)
Attorney for Applicant
VMware, Inc.
3145 Porter Drive
Palo Alto, CA 94304
Telephone: 650-384-4810
Facsimile: 650-475-5005



TRANSMITTAL FORM

Application No.:	10/750,919
Filing Date:	31 December 2003
First Named Inventor:	Carl A. Waldspurger
Group Art Unit	2127
Examiner:	Not Yet Assigned
Total Number of Pages in this Submission:	16
Docket No.	A38

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Authorizing the Commissioner to charge Deposit Account No. 50-2652 (in duplicate)	<input checked="" type="checkbox"/> Response to Notice to File Missing Parts of Nonprovisional Application	<input type="checkbox"/> Petition for Revival of an Unintentionally Abandoned Application [37 CFR 1.137(b)]
<input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Decl.	<input checked="" type="checkbox"/> Declaration/Power of Attorney	<input type="checkbox"/> Express Abandonment Request
<input checked="" type="checkbox"/> Extension of Time Request for 1 Months	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Revocation of Power of Attorney	<input checked="" type="checkbox"/> Certificate of First Class Mailing
<input checked="" type="checkbox"/> Copy of Assignment	<input type="checkbox"/> Issue Fee Payment on USPTO Form PTOL-85B, "Part B—Issue Fee Transmittal"	<input type="checkbox"/> Certificate of Express Mail Mailing
<input checked="" type="checkbox"/> Recordation Cover Sheet	<input type="checkbox"/> Formal Drawings, labeled Letter/Transmittal to Official Draftsperson	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Copy of PTO 948, "Notice of Draftsperson's Patent Review"	<input type="checkbox"/> Additional Enclosures:
<input type="checkbox"/> Status Inquiry		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

<u>5 August 2004</u> Date	<u>Darryl A. Smith</u> Darryl A. Smith, Esq. (Reg. No. 37,723) VMware, Inc. 3145 Porter Drive Palo Alto, CA 94304
Tel: (650) 384-4810 Fax: (650) 475-5005	

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8]

I hereby certify that this correspondence and above-referenced enclosures are being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703)

<u>5 August 2004</u> Date	<u>Darryl A. Smith</u> Signature
Darryl A. Smith Typed or printed name of person signing certificate	

ITW/H



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/750,919	12/31/2003	Carl A. Waldspurger	A38

Darryl A. Smith
 VMware, Inc.
 3145 Porter Drive
 Palo Alto, CA 94304



CONFIRMATION NO. 1896

FORMALITIES LETTER



OC000000012529165

Date Mailed: 05/05/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

08/10/2004 MAHNE1 00000003 502652 10750919

01 FC:1051 130.00 DA

*A copy of this notice **MUST** be returned with the reply.*

AG

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

<div style="display: flex; align-items: center; justify-content: center;"> <div> <h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">For FY 2004</h2> <p style="font-size: small; margin: 0;">Effective 10/01/2003. Patent fees are subject to annual revision.</p> </div> </div>		Complete if Known	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/750,919
TOTAL AMOUNT OF PAYMENT		Filing Date	31 December 2003
(\$280)		First Named Inventor	Carl A. Waldspurger
Attorney Docket No.		Examiner Name	Not yet assigned
A38		Art Unit	2127

<h3 style="margin: 0;">METHOD OF PAYMENT (check all that apply)</h3> <div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None </div> <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 50-2652 Deposit Account Name: VMware, Inc.	<h3 style="margin: 0;">FEE CALCULATION (continued)</h3> <h4 style="margin: 0;">3. ADDITIONAL FEES</h4> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge – late filing fee or oath</td> <td>130</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge – late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2520</td> <td>1812</td> <td>2520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> 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</tr> <tr> <td>1806</td> <td>180</td> <td>1806</td> <td>180</td> <td>Submission of Information Disclosure Stmt</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td>40</td> </tr> <tr> <td>1809</td> <td>770</td> <td>2809</td> <td>385</td> <td>Filing a submission after final rejection (37 CFR 1.129(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>385</td> <td>For each additional invention to be examined (37 CFR 1.129(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>385</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>900</td> <td>1802</td> <td>900</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table>	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge – late filing fee or oath	130	1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2520	1812	2520	For filing a request for <i>ex parte</i> reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1840*	1805	1840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month	110	1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1480	2254	740	Extension for reply within fourth month		1255	2010	2255	1005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1510	1451	1510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive – unavoidable		1453	1330	2453	665	Petition to revive – unintentional		1501	1330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1806	180	1806	180	Submission of Information Disclosure Stmt		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	40	1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
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FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2004	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid	
Total Claims		-20** =		X	18.00	=	
Independent Claims		-3** =		X	86.00	=	
Multiple Dependent						=	

SUBTOTAL (2)

(\$)

** or number previously paid, if greater; For Reissues, see above

SUBMITTED BY				Complete (if applicable)	
Name (print/Type)	Darryl A. Smith	Registration No. (Attorney/Agent)	37,723	Telephone	650-384-4810
Signature				Date	5 August 2004